

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CLERK'S OFFICE

2009 FEB 18 A 9:36

Lannie Stroman, #234581,)	DISTRICT COURT DISTRICT OF SOUTH CAROLINA CHARLESTON, SC
Plaintiff,)	
v.)	
Samuel Bobo, Sgt.; Waldrop, Captain; R.L. Turner, DHO; Riley, Warden,)	
Defendants.)	

Civil Action No. 2:08-3754-SB

ORDER

This matter is before the Court upon the pro se Plaintiff's complaint alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Pursuant to Local Rule 73.02, this action was assigned to a United States Magistrate Judge for preliminary review.

On December 8, 2008, the Defendants filed a motion for summary judgment, and on December 17, 2008, the Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment rules and procedure and instructing the Plaintiff to file a response to the Defendants' motion. When the Plaintiff failed to respond, the Magistrate Judge issued a second order on January 22, 2009, giving the Plaintiff an additional ten days within which to file a response to the Defendants' motion for summary judgment. The order specifically instructed the Plaintiff that if he failed to respond, the case may be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. The Court mailed this order to the Plaintiff's last known address, but on January 30, 2009, the order was returned marked "Released" and "Return to Sender Not Deliverable as Addressed Unable to Forward."

[Handwritten signature]

Based on the Plaintiff's failure to respond to the Defendant's motion and failure to keep the Court advised of his current address, the Magistrate Judge entered a report and recommendation ("R&R") on February 2, 2009, recommending that the Court dismiss the Plaintiff's complaint for lack of prosecution and for failure to comply with the Court's order to keep the Court advised of a current mailing address. As with the Magistrate Judge's previous order, on February 10, 2009, the R&R was returned to the Court marked "Released" and "Return to Sender Not Deliverable as Addressed Unable to Forward."

Based on the foregoing, it appears that the Plaintiff no longer wishes to pursue this action. Accordingly, the Court adopts the R&R, and it is

ORDERED that this action is dismissed for failure to prosecute and for failure to comply with the Court's orders and keep the Court advised of a current mailing address.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge



February 17, 2009
Charleston, South Carolina